KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:	DECISION NUMBER:
Beverley Fordham, Cabinet Member for Education and Skills	26/00068

Executive Decision – key

26/00068 – Capital Funding - Proposed New Paddock Wood Primary School

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Decision:

As Cabinet Member for Cabinet Member for Education and Skills, I agree to:

1) APPROVE the allocation of a further £13,290,493 from the Children, Young People and Education Services Basic Need Capital Budget to fund the construction activities required to establish a new primary school at Paddock Wood.

2) DELEGATE authority to the Director of Infrastructure, in consultation with the Director of Education to take relevant actions including but not limited to negotiating, entering into and finalising the terms of relevant contracts, contract variations and other legal agreements, including the granting of leases for utility installations for periods exceeding 20 years, if required

3) AGREE for the Director of Infrastructure, to be the nominated Authority Representative within the relevant agreements, with authority to enter variations as envisaged under the contracts. Variations to contract value to be no more than 10% above the capital funding agreed by the Cabinet Member for Education and Skills without requiring a further Key Decision.

Reasons for decision:

The strategic case, initial pre-construction funding and the initiation of the process for establishing a new primary school in Paddock Wood were endorsed by the Children Young People and Education Cabinet Committee on 12 May 2026. Subsequently I, as the Cabinet Member for Education and Skills, took the decision (26/00025) to allocate £1,409,507 from the Children, Young People and Education Services Basic Need Capital Budget to complete the pre-construction design activities and the initiation of the process required to establish the new primary school.

Since my Cabinet Member decision was taken, the contractor has completed the Gateway 3 design stage, site investigations have been undertaken and a detailed cost plan has been prepared. The need for the school remains unchanged and

forecast demand continues to support the establishment of new provision within the Paddock Wood planning group.

This decision allocates a further £13,290,493 from the Children, Young People and Education Services Basic Need Capital Budget to enable the project to progress through detailed design, construction and opening in September 2028.

Financial implications:

Capital
My previous Cabinet Member decision (26/00025) allocated £1,409,507 from the Children, Young People and Education Services Basic Need Capital Budget to complete the pre-construction design activities and the initiation of the process required to establish the new primary school. These activities have now been substantially completed and have informed the preparation of the contractor's detailed cost plan.

The contractor's Gateway 3 submission identifies a total project cost of £14,700,000. This includes the construction works, fees, risk allowances and other project costs associated with delivery of the scheme.

This decision allocates a further £13,290,493, which together with the £1,409,507 previously approved, will provide the full estimated project funding requirement of £14,700,000.

The Gateway 3 cost plan reflects the developed design and incorporates the outcomes of technical investigations undertaken during the pre-construction phase. The cost estimate therefore provides a more robust assessment of the funding required to deliver the scheme than the early-stage assumptions reported previously. The cost plan also includes allowances for a number of site-specific abnormal costs. These allowances are included within the total project cost and represent the current worst-case position for the budget request.

The project team is working with statutory undertakers, developers and other stakeholders to reduce or avoid these costs where possible and to establish whether any costs should be met by third parties. If alternative solutions are secured, or third-party funding responsibilities are confirmed, the final project expenditure will reduce accordingly.

Capital Costs for mainstream provision are funded through the Basic Need Capital Programme, which is made up from a range of sources including the Basic Need Grant and Developer Contributions and other specific grants (such as schools rebuild programme). The Basic Need Grant is the largest contributor to the programme and is provided by the DfE to support local authorities fulfil their statutory duty to ensure there are enough school places for children aged 5 to 16 in their area. The Education capital programme is continuously reviewed, with projects entering and leaving the programme regularly in response to demand and project completions. The latest 2026-27 Basic Need Budget is £127 million. This includes confirmed grant funding from Government up to 2027-28 only. Government have

recently confirmed Kent should not expect to receive any further grant funding in 2028-29 and grant arrangements post 2029 are yet to be agreed.

The previous committee report provides the background history regarding the funding of the school and that developer contributions are limited to around £37k. The remaining balance of the project expected to be funded from the wider basic need capital funding. There is no prudential borrowing associated with this Decision.

Revenue
Should the scheme not proceed through to completion, any costs incurred at the time of cessation would become abortive costs and are likely to be recharged to Revenue. Given that considerable preliminary works have already been completed within the initial stages of the project, any abortive costs are likely to be substantial. This would be reported through the regular financial monitoring reports to Cabinet. This will be a cost to the General Fund.

If the school proceeds, future running cost of the schools would be met through the school budget and funded by the Dedicated Schools Grant, a specific grant from the Department of Education.

Legal implications:

Planning permission will be required for the new school.

The Director of Infrastructure in consultation with the Director of Education will be overseeing the scheme to ensure public funds are utilised appropriately.

Local authorities must plan for and secure sufficient school places for their area in line with their duties under section 14 of the Education Act 1996.

The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 set out the statutory framework for opening, closing, or altering local-authority-maintained schools in England were updated by The School Organisation (Establishment and Discontinuance of Schools) (Amendment) Regulations 2026, which came into force on 1st September 2026. The amendment revised the content, publication, and notification rules for competition notices and proposals to establish new maintained schools.

Previously, Section 6A of the Education and Inspections Act 2006, provided that local authorities in England were required to seek proposals to establish an ‘academy’ (free school), when a new school was needed; the proposed new school was to be established via “free school presumption” process. However, under the subsequent amendment, where a local authority think that a new school should be established in their area, it can invite proposals for different types of school (mainstream schools, special schools, alternative provision schools).

The updated process for establishing a new school from September 2026 is detailed in the Non-statutory Guidance published in May 2026 [‘Opening new schools Statutory guidance for proposers and decision-makers’].

Equalities implications:

An Equality Impact Assessment (EqIA) has been completed for my original Cabinet Member decision relating to the establishment of the proposed new school. The screening found no evidence to suggest that the establishment of the new school will impact negatively on pupils from Protected Groups or lead to them being treated less favourably. As The EQIA will be reviewed and, where needed, updated at key stages of the establishment of the proposed new school.

Data Protection implications:

There are no data protection implications.

Cabinet Committee recommendations and other consultation:

The proposed decision will be considered by the Children, Young People and Education Cabinet Committee on 26 November 2026

Any alternatives considered and rejected:

The previous committee report set out the alternative options to meet the need for additional provision that were considered and dismissed.

The contractors for the scheme were engaged using KCC's procurement framework that ensures a competitive build cost. The new school accommodation is designed in line with the DfE's baseline specifications, and projected costs have been benched marked against other schemes to ensure best value is achieved. Additionally, an external Quantity Surveyor has assessed that the cost meets the market prices. The identified financial risks are accounted for within the Gateway 3 cost plan submission that includes allowances for 'ab-normals' within the site that could impact expenditure.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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Signed	Date